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March 12, 2010

AUSA Soumya Dayananda
United States Attorney,
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Sarvjit Singh – 09-cr-824 (SJ)
Second Discovery Request Pursuant To Fed. R. Crim. P. 16

Dear AUSA Dayananda:

This letter follows my letter of January 6, 2010, requesting discovery pursuant to Federal Rules of Criminal Procedure (“Fed. R. Crim. P.”) Rule 16 and other applicable authorities, and your responses of January 12, 2010, January 20, 2010, February 25, 2010, and March 12, 2010. A number of my requests were not addressed in your responses; therefore, I am requesting that you provide a written response to these requests as soon as possible.

First, in response to my request for defendant’s statements pursuant to Rule 16 (a)(1)(A) and (B), you provided ICE Reports of Investigation for the dates April 10, 2008, April 25, 2008, September 21, 2009, October 26, 2009, and November 12, 2009, and handwritten notes for October 26, 2009 and November 2, 2009. Please indicate whether you have the handwritten notes of government agents for any other dates that Singh met with government agents or attorneys.

Second, in response to my request for documents and objects pursuant to Rule 16(a)(1)(E), you provided redacted A-files for the following individuals: Balkar Singh, Man Singh, Mohinder Singh, Sarbjit Singh and Surinder Singh. On March 12, 2010, you provided 45 A-files for individuals, who had filed applications with the law office of Thomas Archer between July 2004 and July 2005. Please indicate whether there are any additional A-files in the government’s possession that you intend to produce to the defense. Also, please indicate which of these A-files you intend to introduce at trial as part of the government’s case-in-chief in order that I may make any required motions in limine without unnecessarily delaying the start of the trial.

Third, in response to my request for a written summary of any expert testimony pursuant to Rule 16(a)(1)(G), you indicated that Mel Shatzkamer would testify; however, you have not provided me a summary of his opinions or the bases for those opinions. For instance, you state that “Officer Shatzkamer will testify as to patters he observed in his review of I-687 applications prepared by The Law Office of Thomas W. Archer, Esq.”; however, you do not state what are the patterns or the bases for his conclusions.

Fourth, you did not respond to my request for the names of government witnesses, and the recorded statements of those witnesses. Please provide the requested material or indicate when you will be providing this material.

Finally, I am requesting that you provide me unredacted versions of the documents that you have previously provided in redacted form. The reason for this request is that you have redacted all identifying information, such as dates of birth, addresses, tax payer identification numbers, etc., in the documents provided to me. However, there may be instances where the applicant provided fictitious identifying information, such as a fictitious date of birth, address or tax payer identification number, in their applications. Thus, it is necessary for me to review the identifying information in the documents provided in order to determine whether any false information was provided by the applicant.

Sincerely,

/s/ Bruno C. Bier
Bruno C. Bier